

Approved: February 11, 2008
Date

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman John Faber at 3:30 P.M. on January 28, 2008, in Room 783 of the DSOB.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department
Hank Avila, Kansas Legislative Research Department
Gordon Self, Revisor of Statutes
Kristen Kellems, Revisor of Statutes
Florence Deeter, Committee Assistant

Conferees appearing before the committee:

Representative Tom Sloan, District 45
Tracy Streeter, Director, Kansas Water Office

Others attending:

See attached list.

The Chairman welcomed Representative Tom Sloan, District 45, who submitted a petition for consideration of **HCR 5028 - Reservoir sustainability** ([Attachment 1](#)). He explained the resolution would extend the productivity of reservoirs in Kansas. Some reservoirs have been in existence for fifty years and siltation is an increasing problem that diminishes the water storage capacity as well as the water quality. Representative Sloan reported the Corps of Engineers does not have a long-term plan for the reservoirs. Representative Sloan distributed a map showing the sediment infiltration from a case study done at Lake Perry ([Attachment 2](#)). He said an estimated one thousand acres of surface area has been lost, 91.5 million cubic yards of sediment has accumulated, and 18 percent of water storage capacity has been lost.

Responding to questions, Representative Sloan said the resolution does not contain a fiscal note; however, a similar bill in the House Agriculture and Natural Resources Budget Committee does have a fiscal note. He noted further that the Corps of Engineers is releasing water from reservoirs in order to allow barges to operate on the Missouri River, and there is a funding mechanism in place for them. Representative Sloan said sedimentation shrinks storage capacity and there are various procedures which can be put in place to remedy the problem. He said the resolution defines the way we need to work with the Corps; regulations delineating operations to sustain reservoirs will help to preserve a quality of water for all future Kansans.

Tracy Streeter, Director, Kansas Water Office (KWO), spoke as a proponent of **HCR 5028** ([Attachment 3](#)). He stated the Federal government views reservoirs as having an expected life span of approximately one hundred years. The position held by KWO is one of ongoing support for the Kansas economy, which includes a viable future water supply for its citizens. He indicated by working cooperatively to make significant changes in both the state and federal views concerning the reservoirs, the agency can be prepared to meet the current and future needs for quality water.

Mr. Streeter responded to questions: more liability is assumed for water storage and the maintenance cost is passed along to customers; the Conservation Commission is working diligently to continue practices that will keep small watersheds from impacting the reservoirs; the Corps of Engineers works to dredge sediment from harbors, but are not dredging any lakes or reservoirs; small upstream communities would be the first to lose both quantity and quality of water in the event of major siltation; the cost annually just to keep up with sedimentation removal at Tuttle Creek would be \$22.4 million per year; Texas is building new reservoirs with some private funds; the state of Kansas controls the storage level of reservoirs.

The Chair closed the hearing on **HCR 5028**. The meeting was adjourned at 4:10 p.m. The next meeting is scheduled for January 29, 2008.

STATE OF KANSAS

COMMITTEE ASSIGNMENTS
MEMBER: ENERGY AND UTILITIES
TRANSPORTATION
GOVERNMENT EFFICIENCY
AND TECHNOLOGY

TOM SLOAN
REPRESENTATIVE, 45TH DISTRICT
DOUGLAS COUNTY

STATE CAPITOL BUILDING
ROOM 113-S
TOPEKA, KANSAS 66612
(785) 296-7654
1-800-432-3924

772 HWY 40
LAWRENCE, KANSAS 66049-4174
(785) 841-1526
sloan@house.state.ks.us



TOPEKA
HOUSE OF
REPRESENTATIVES

Testimony - HCR 5028 - Reservoir Sustainability

House Agriculture and Natural Resources Committee
January 28, 2008

Rep. Tom Sloan

Mr. Chairman, Members of the Committee: HCR 5028 recognizes that the Corps of Engineers and Bureau of Reclamation constructed reservoirs in Kansas with productive life expectancies of 100 years. Many of these reservoirs are approximately 50 years old and siltation is an increasing problem from the loss of water storage capacity perspective as well as degradation of water quality. Candidly, no crisis exists today - we have adequate flood control, drinking water, and recreation; but, if not addressed soon, the costs of action will drastically increase and future legislatures will confront a crisis. The experience in Atlanta this past summer should be a lesson we all take to heart - water must be managed for the long term.

The reservoirs meet essential flood control, drinking water supply, and recreation needs in Kansas today and will be needed even more in the future. The Corps and Bureau have "construct and operate" philosophies - HCR 5028 encourages them to change their philosophies and management practices to "operate to sustain."

Last February, Assistant Secretary of the Army (Civil Works), John Paul Woodley, visited Topeka and spoke to the Appropriations Committee. In a separate meeting, I asked what the Corps' policies are regarding sedimentation, water quality, and water quantity problems that our reservoirs are and will increasingly face. His answer was that, "we do not have one." He then went on to say, "but we probably should." Secretary Woodley returned to Kansas in October for the Kansas Reservoir Summit and committed to working with our stakeholders to develop such plans at the federal and state levels.

HCR 5028 has been developed in cooperation with Secretary Woodley's staff and the Kansas Water Office staff. The key components are:

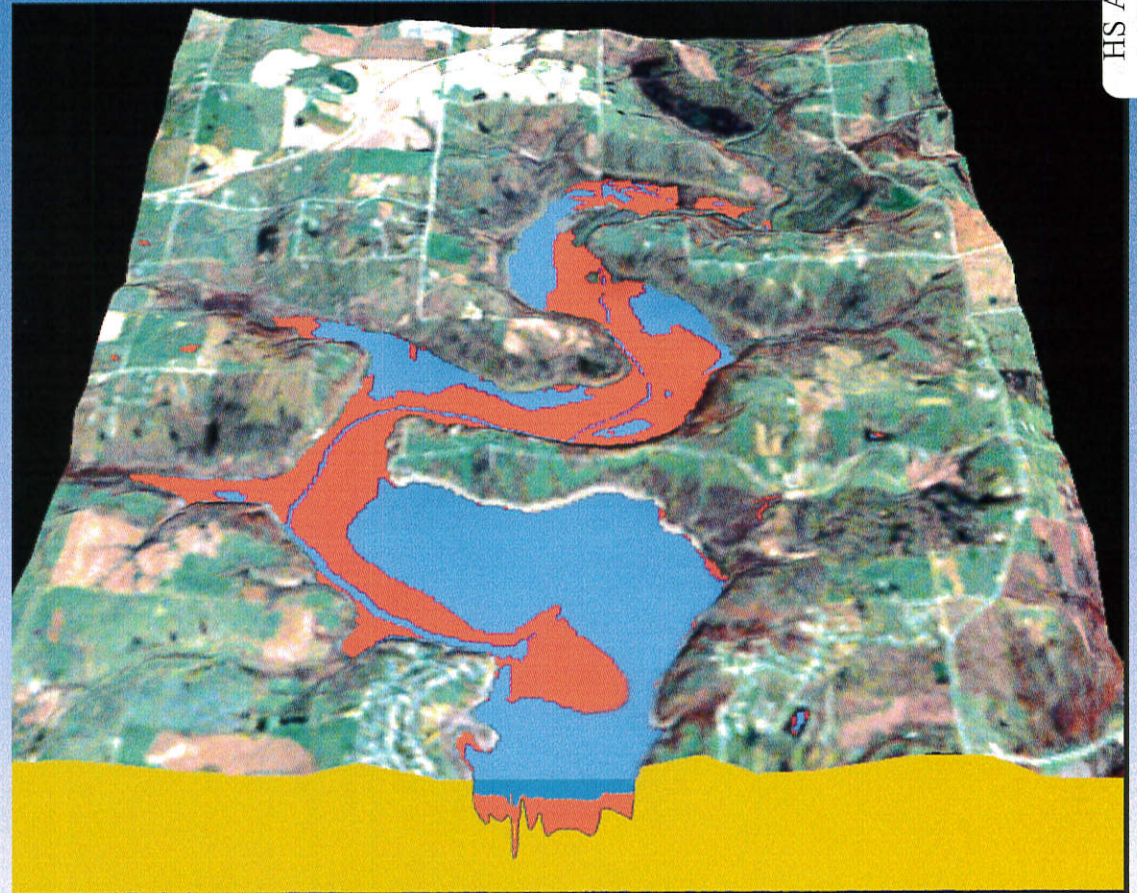
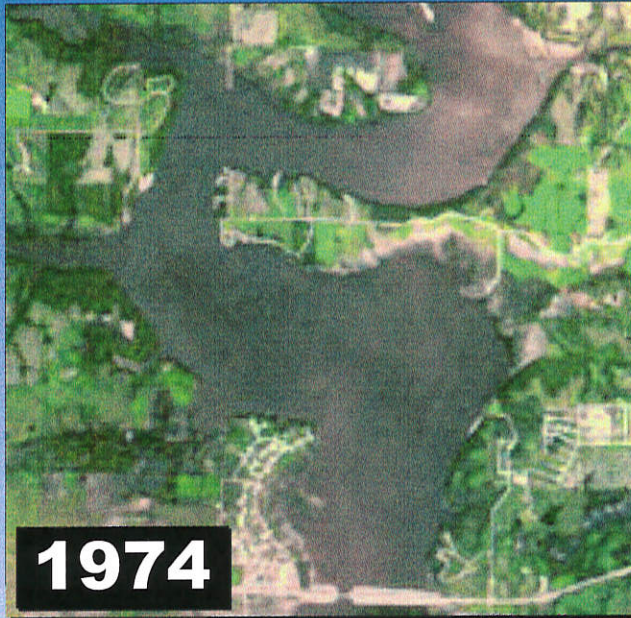
- a) The Corps of Engineers and Bureau of Reclamation should develop new partnerships with Kansas to extend the productive lives of the reservoirs;
- b) That "sustainability points" for each reservoir should scientifically be determined such that 100 year floods, 10 year droughts, anticipated drinking water supply needs, and reasonable recreational opportunities are met as cost-effectively as possible;
- c) Congress shall amend the necessary statutes so that contributions to sustain the reservoirs can be made directly to the Corps and Bureau to: 1) meet our financial commitment to maintenance and operations, 2) off-set our contractual storage purchase obligations, and 3) be available for reinvestment in Kansas' reservoirs; and
- d) That the reservoirs be operated on a "system basis" rather than individually.

Secretary Woodley, the Kansas City and Tulsa Corps offices, and the Bureau of Reclamation's Washington and regional offices are aware of this Concurrent Resolution and await its passage.

Mr. Chairman, I will be pleased to respond to questions.

Kansas reservoirs are filling with sediment

Case Study: Perry Lake Upper Basin



Accumulation since construction in 1969

**Estimated 1000+ acres surface area lost;
91.5 million cubic yards of sediment;
18% of water storage capacity lost (2005)**

House Concurrent Resolution 5028
Testimony
Tracy Streeter, Director
Kansas Water Office
House Agriculture and Natural Resources Committee
January 28, 2008

Chairman Faber and members of the committee; it is my pleasure to appear in support of the intent of House Concurrent Resolution 5028.

The Kansas Water Office is responsible for the management of state owned storage in federal reservoirs. State owned storage is used under our Water Marketing and Water Assurance programs to support municipal and industrial water use. A large portion of our population and a significant portion of our energy production are served by these reservoirs.

In order to manage this storage, we have worked for more than three decades with our partners to operate and maintain those federal reservoirs. Federal reservoirs in Kansas were built with specific authority and for specific purposes. The U.S. Army Corps of Engineers and the Department of Interior's Bureau of Reclamation have limited ability to deviate from these authorities and purposes. Our interests in serving Kansas citizens in a changing economy often are severely limited by our federal partner's ability to react.

Likewise, the federal government currently views these reservoirs as projects that have an expected life span rather than long term infrastructure that supports the Kansas and national economies and protects our citizens. A significant change is needed in both the state and federal view regarding these reservoirs to make sure that our current and future needs are met.

This past year, the Kansas Water Office and Kansas Water Authority began to look at our strategic vision to meet Kansas' future water needs with our limited resources. The Authority put reservoir operations and sedimentation as issues in need of further action. We are currently in the middle of a policy evaluation and stakeholder input process. Since we have not completed that work, we cannot determine if the levels of support provided by the sustainability points identified in this resolution are appropriate or how well they match with current state policy as defined in the State Water Planning Act.

The fact that this resolution recognizes the significance the federal reservoirs play in our water infrastructure and the need for greater cooperation is appropriate and timely. Thank you Mr. Chairman for the opportunity to appear before your committee today; I will stand for questions at the appropriate time.